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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,357	06/27/2003	Padma Prabodh Varanasi	J-3866	7780
28165	7590	10/17/2006		
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236				
			EXAMINER CHORBAJI, MONZER R	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,357

Applicant(s)

VARANASI ET AL.

Examiner

MONZER R. CHORBAJI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/21/04, 9/27/04, 2/1/05, 8/25/05, 2/21/06, 8/4/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This general action is in response to the application filing date of 06/27/2003

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Collingwood (U.S.P.N. 5,662,835).

Regarding claims 1, 13, 25 and 37, Collingwood discloses a dispenser (figure 1) that includes the following: housing (figure 1:5 and 2), a fan mounted to the housing (figure 1:4), a liquid fragrance or insecticide (col.1, lines 3-6), a porous wick (figure 4:14) associated with the housing and a container that is capable of being refilled (figure 1:7 and col.4, lines 44-50) that it is insertable into the dispenser (figure 1:15 and 14). Collingwood container is capable of being filled with any type of volatile liquid such that intended use does not further limit the scope of the current claims. See MPEP 2114 and MPEP 2112.01.

Regarding claims 2-3, 7-8, 10, 14-15, 20-21, 23, 26-27, 31-32, 34, 38-39, 44-45 and 47, Collingwood container is capable of being filled with various types of volatile liquids having different chemical and physical properties. See MPEP 2114 and MPEP 2112.01.

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Regarding claims 4, 6, 12, 17, 19, 24, 28, 30, 36, 41, 43 and 48, Collingwood device is capable of performing such properties. See MPEP 2114.

Regarding claims 5, 9, 11, 16, 18, 22, 29, 33, 35, 40, 42 and 46, Collingwood discloses the following: intermittent air stream (col.2, lines 38-43), container is releasably placed into the housing (figure 1:15 and 14), wick is in alignment with the fan (figure 1:4 and figure 5:14 and 7) and the use of a fan (figure 1:4).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohara et al (U.S.P.N. 3,903,022), Teng (U.S.P.N. 3,979,179), Santini (U.S.P.N. 4,419,326), Compton et al (U.S.P.N. 4,323,193) and Phelan et al (U.S.P.N. 2,897,671) discloses various evaporation rates for volatile compounds in combination with calculations based on drop shape analysis.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 9:00-5:30.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GLADYS J. CORCORAN can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRC


GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER